

1901-033 Chancery Causes. Mary A. Kelly vs. Emberson Robbins &  
Lee Co.

1 Plat

CA- Estate Dispute  
T- Property



To the Hon. H. A. W. Sheen, Judge of  
the Circuit Court of Lee County, Virginia

Your oratrix, Mary A. Kelly, humbly complaining  
sheweth unto the court, that she is the widow  
of one Tennessee Robbins <sup>(deceased)</sup> to whom she was married  
on the day of 18-, and with whom  
she happily lived from the date of her said  
marriage to the day of his said death; That the  
said Tennessee Robbins was seized and possessed  
in his own right, a certain boundary of land  
situated in the Crab Orchard country in the  
County of Lee, and more particularly described  
in a deed bearing date of 188-,  
and recorded in deed book No. 26, page 81,  
an attested copy of which deed is filed herewith  
marked "Deed," and prayed to be read and  
treated as a part of this bill; that her  
said husband the said Tennessee Robbins  
died intestate, leaving five children and heirs  
at law, to wit: Emberson Robbins, Laura Robbins,  
Jas. C. Robbins, W. A. Robbins and Emily M. Robbins,  
the last three of whom are still infants under  
the age of 21 years, and the second of whom,  
Laura Robbins died on the 12 day of Dec. 1900,  
having never married and leaving no children;  
that your oratrix has never had dower assigned  
her in the said lands of the said Tennessee Robbins  
her deceased husband, but that since her said  
husband's death she has occupied the said  
lands in common with his said children, using  
the entire products of said lands for the support



1 of her self and the aforesaid children of  
2 herself and her deceased husband, until the  
3 day of 189- when she intermarried  
4 with one Harrison Kelly; that since her said  
5 second marriage her said children and particularly  
6 by the said Emberson Robbins has not allowed  
7 her to occupy in peace any part of said  
8 premises, and has recently driven her  
9 away from the said lands and the mansion  
10 house of her said deceased husband, the  
11 said Tennessee Robbins.

12 Now your oratrix further states that she  
13 is advised that she is entitled to be endowed  
14 of one third of her said deceased husband's real  
15 estate, for life, and that she is entitled by  
16 the law of decedents, to a one fifth interest in  
17 undivided share of deceased Laura Robbins  
18 interest in the said lands of the said Tennessee  
19 Robbins. And your oratrix further states that  
20 the said real estate is, as she believes susceptible  
21 of partition among the parties entitled thereto; but  
22 if it cannot be so divided then your oratrix desires  
23 that the same may be sold and the proceeds  
24 divided among the adult and infant parties  
25 according to their respective rights; the shares of the  
26 infants to be held as directed by the statute in  
27 such cases made and provided. Should the  
28 property not be divisible in kind your oratrix  
29 believes and here states, that the interests of those  
30 who are entitled to the said real estate, or its  
31 proceeds, will be promoted by a sale of the whole of  
32 the same, or by an allotment of part and sale



1 of the residue.

2 For as much, therefore, as your oratrix is  
3 remediless in the premises save by the aid of  
4 a court of equity, she prays that the said  
5 Emberson Robbins, Jas. L. Robbins, W. A. Robbins  
6 and Emily Robbins may be made parties  
7 defendants to this bill and required to answer  
8 the same, but not upon their oaths, the oath  
9 being hereby waived, the said adult in his  
10 own proper person and the infants by guardian  
11 ad litem; that a proper guardian ad litem be  
12 appointed in this cause for said infants who  
13 shall answer this bill; that proper process  
14 issue; that docket be assigned your oratrix in  
15 all the said lands of the said Tennessee Robbins;  
16 deceased; and that the residue of said lands  
17 be partitioned and divided between the parties  
18 entitled thereto, or else that it be sold and  
19 and the proceeds divided, in case it be indivisible  
20 in kind; that all proper orders and decrees  
21 may be made, accounts taken and inquiries  
22 be directed, and that all such other, further  
23 and general relief, as in the premises may  
24 be just and right may be granted. And your  
25 oratrix will ever pray, etc.

26 J. B. Noel & Co.  
27  
28  
29  
30  
31  
32



Plffs Costs  
 Clerk 10.02  
 Tax 1.50  
 Shff 2.00  
 atty 15.00  
 S. A. L. 5.00  
 Comrs { Thompson 5.50  
 { Clark 3.00  
 Co Clerk 2.97

\$144.99  
 Co c for Dec 4 255  
 \$452.4

Mary A. Kelly  
 vs Bill in Chancery  
 Emberson Robbins et al

1901 1st Feby rules Bill  
 filed & pa executed  
 except as to James L  
 Robbins & D. H. as to  
 James L Robbins & Contd

" 2nd Feby rules & pa & D  
 as to James L Robbins  
 D it as to him

" 1st March rules taken  
 the last Monday in  
 Feby & McConff & Cause  
 set for hearing



Answer of William A. Robbins, Emily Robbins, and James C. Robbins

*H.O. Ballou*  
By, their guardian ad litem, to a bill of complaint exhibited  
against themselves and others,

by *Mary A. Kelly* In the Circuit Court  
of Lee County,

These respondents, saving all just exceptions, & C. for answer  
to the said bill, say that being infants, they submit their  
rights involved in the same to the protection of the Court.

And having answered, they pray to be dismissed, & . C.

*H. O. Ballou*  
Guardian ad litem.

Sworn to before me by *H. O. Ballou* this <sup>*Kelly*</sup> *18<sup>th</sup>* 1901  
*A. B. Munsey* Clerk



Mary A. Kelly  
vs J. C. Kelly

Emerson Robinson et al

Answer of Guardian ad litem

Filed Feby 18th 1901

A. B. Munsey Clerk



To the Honorable J. A. W. Sherr Judge of  
the Circuit Court of Lee County, Va.

The demurrer and answer of Easonberson Robbins  
to a bill in Chancery exhibited in your  
honor court by Mary A. Kelly against your  
respondent and others.

" For demurrer your respondent alleges that said  
bill is not sufficient in law, because the bill  
does not show on its face the age of Laura Robbins  
dec. at the time of her death;

And for answer your respondent admits  
that Mary A. Kelly as late widow of Tennessee  
Robbins dec. is entitled to dower for life in  
the said lands, but he denies that she has  
any right, title or interest in the residue of  
said land by reason of the death of Laura Robbins  
because your respondent alleges that Laura  
Robbins at the time of her decease was an infant  
under the age of 21 years, and that by the laws  
of descent and distribution, her interest in said  
land descended to her brothers and sisters,  
excluding the mother, your respondent  
further denies, the plaintiffs right to have  
said lands partitioned or sold and denies every  
other allegation in said bill not heretofore  
admitted and calls for strict proof of the  
same, and having answered said bill as fully  
as your respondent is advised that, is necessary  
he prays hence to be dismissed with his



reasonable costs by him expended and  
he will ever pray etc.

W. K. Hopkings  
M. G. Ely R. J. D.



Emberson Robbing ad etc  
ad {{ Demmer Ed Ausway

Many Kelly

Filed in open court and  
by leave thereof March  
the 5th 1901

A. B. Munsey Clerk



Mary A Kelly Plff.

against E E In Chancery.

Emerson Robbins et als. Defs.

This cause came on this day to be heard upon the papers formerly read in the cause, the report of commissioners, W. E. Thompson C. S. Lanningham Ed James Smith, assigning dower to Mary A. Kelly, And was argued by Counsel,

On consideration of which the court doth approve and confirm said report, and doth decree that Mary A. Kelly do hold for and during her life the lot of  $4\frac{1}{4}$  acres of land assigned to her in said report and plat filed therewith as and for her dower in the lands of which Tennessee Robbins died seized, and it is further decreed that the Plaintiff recover of the defendants her costs of this suit in assigning her said dower including an attorney fee in favor of J. C. Noel, to be taxed by the clerk for which execution may issue, And it is further adjudged and decreed that Emerson Robbins recover of Mary A. Kelly his costs in this suit including an attorney fee in favor of M. G. Ely. to be taxed by the clerk, for which execution may issue And it is further decreed that the plaintiff may withdraw said report of commissioners and decree confirming the same.



for recordation, and nothing further remaining  
to be done this cause is stricken from  
the docket.

Mary A. Kelly, Plff  
vs. E. E. Deane, Def  
Conclusion Proposed  
Entered on Chy O.B.  
No 7 Page 28

Enter This

H. A. W. Deane

Nov 13<sup>th</sup> 1907



Mary A. Kelly Plff -

Against E E L. Chancery

Emerson Robbins Et. others Deft.

This cause came on this day to be heard upon the bill of complainant, the answer of the adult defendant Emerson, Robbins, the answer of the infant defendants by H. Q. Bellows their Guardian ad litem, duly sworn to, And general replication thereto and was argued by counsel,

On consideration of which, the court being of opinion that Mary A. Kelly as the late widow of Tennessee Robbins Dec, is entitled to dower in the lands of which her husband died seized, and possessed, And has no other interest in said land it is therefore adjudged, ordered and decreed that Elbert Thompson; James Smith and Charles Lanningham who are hereby appointed commissioners for the purpose, who after being duly sworn, will go upon the lands of Tennessee Robbins Dec, and lay off and assign to Mary A. Kelly one third in rental value of said lands, by metes and bounds, including the mansion house, as and for her dower for life, and report their action to the next term of this court, and the cause is continued.



Mary A. Kelly  
vs. E. E. Drere -  
E

Emerson Robbins et al

Entered on C. O. B. No 6.  
P. 499.

Enter this

J. H. W. W. W. W. W.

March 6<sup>th</sup>, 1901



To the Hon. H. A. W. Skeen Judge of the Circuit-  
Court for Lee County Virginia:

your under signed Special Commissioners  
who were appointed by a decree of your honors  
court entered on 6<sup>th</sup> day of March 1901 in The  
Chancery cause of Mary. A. Kelly vs Emberson  
Robbins et al. to go upon the lands of  
Tennessee Robbins Dec. and lay off and assign  
to Mary. A. Kelly late widow of Tennessee  
Robbins Dec. one third in rental value of said  
lands by metes and bounds including the  
mansion house as and for her <sup>dower</sup> <sup>for</sup> life  
in pursuance to said decree They went  
upon said land March 21 - 1901

to Execute and perform their duties  
under their requirements of said decree  
and did partition and lay off to  
Mary. A. Kelly one third of rental value  
of said lands after making a survey  
of the entire boundary of said lands  
as shown in said plat the Commission-  
ers did partition and lay off the boundary  
~~for~~ the Widow's dower to wit Beginning at  
Stake and locust on top of a Ridge by the side of  
the Ky. Road as shown by index on plat Thence  
N. 70° E. 27 P. to 2 oaks in hollow Thence down the  
hollow S. 26½° E. 19 P. to Mulberry in hollow Thence  
S. 31° E. 24 P. to small Buckeye in hollow Thence E. 57 P.



to Small oak and 2 dog woods on Top of Hill  
 thence S 28 E. 40 to maple thence S. 32 E. 30 to 2  
 Buches S. 17. W 3 Ches on Ridge S. 17. W. 30 to Ches  
 nut oak and Birch on Top of Ridge S. 4 E. 10  
 to 2 Black oaks on Top of Ridge S. 27. W. 27  
 to 3 dog woods standing on Top of  
 Ridge thence N. 51. W. 34 to Apple tree.  
 N. 52. W. 42 to Gum & Chestnut by the Road  
 N. 1. E. 31 to Ches oak in bend of Road  
 S. 89 W. 14 to Stake below the road N. 16 W. 50 to  
 the Stake and Locust - Beginning corner of Dower line  
 all of which will more fully appear  
 by plat filed here with marked plat  
 There stood upon the lands assigned  
 to the widow, as her dower a small  
 plank house which had been erected  
 by the heirs which your said Commission  
 did assign with permission to move  
 the same upon their lands. There  
 was also an old crooked fence just  
 out side of Dower line which was  
 Equally divided <sup>between widow and the heirs</sup> for the purpose of  
 making a line fence all of  
 which is respectfully submitted

This the 17<sup>th</sup> day of May 1901

W. E. Thompson  
 C. S. Lanningham  
 James Smyth

} Comrs.

Costs of Partition

W. E. Thompson surveyor \$5.50  
 C. S. Lanningham  
 James Smyth  
 Chain carriers



Mary A. Kelly  
vs Report of Comrs  
of Partition

Emerson Robbins et al.  
Filed June 3rd 1901  
A. B. Munsey Clerk

Recorded in Deed  
Book No. 38 p. 133.



Plat-

Tennessee Robbins Sst-

Filed May 24<sup>th</sup> 1901

A. B. Muncey Clerk

30
<hr/>
24
<hr/>
6
<hr/>
72
<hr/>
50
<hr/>
1.00
<hr/>
1.75
<hr/>
2.97





Tennessee Robbins Sol.  
Containing 1,16 1/4 acres.

A  
75. Bal

Timber Land

Dower Line

Dower Line

Meadows  
A  
4 1/4

Timber Land

Rock Road



Survey and Plat made  
By W. C. Thompson.  
March 13 / 1901.



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

<sup>again</sup>  
WE COMMAND YOU, That you summon

*Wm* *A. Robbins, Emily M Robbins and James C Robbins*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held for the said court, on the *3rd* Monday in *February* 19*01*, to answer a bill in chancery exhibited against *them* in our said court by *Mary A Kelly*

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house, the *5th* day of *February* 19*01*, and in the 12*5th* year of the Commonwealth.

A copy, Teste:

*A. B. Munsey* Clerk.

Clerk.



Mary A Kelly  
VS. } SUBPENA  
IN CHANCERY.

Emmerson Robbins,

J. C. Hall P. q.

To 2nd Kelly Rules.  
Leicuit Court.

Executed by giving  
Copy of Summons  
to James C. Robbins  
On Feb. 11" 1901.  
A. A. Robbins Dd.  
For W. W. J. Wilson



(3)

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Emerson Robbins, Jr A*  
*Robbins, & Emily M Robbins*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held for the  
said court, on the *1st* Monday in *February* 1901, to answer a bill in  
chancery exhibited against *them* in our said court by *Mary A.*  
*Kelly*

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house,  
the *14th* day of *January* 1901, and in the 12<sup>*5th*</sup> year of the Common-  
wealth. A copy, Teste: *A. B. Munsey* Clerk.

Clerk.



Mary A. Kelly

VS.

SUBPŒNA  
IN CHANCERY.

Emerson Robbins et al

J. C. Noel p. q.

To 1st February Rules.

Leircuit Court.

Executed by giving  
copy of the within  
summons to, Emerson  
Robbins, J. C.  
Robbins, Emily M.  
Robbins

This February 4<sup>th</sup> 1901.

J. D. Robbins D.S.  
for W. G. Mideham S.C.